

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALLIANCE FUNDING GROUP,

Plaintiff,

v.

PLATINUM GROUP COMPANIES LLC
d/b/a/ CENTURIAN MANAGEMENT
SERVICES, *et al.*,

Defendants.

Case No. 2:24-cv-00584-RFB-BNW

ORDER

Before the Court is Plaintiff Alliance Funding Group's Motion for Summary Judgement (ECF No. 19). In their Response, Defendants asserted that they cannot present facts essential to justify their opposition to the motion. For the following reasons, the Court denies the Motion without prejudice.

Federal Rules of Civil Procedure Rule 56(d) provides a procedure by which a party may avoid summary judgment when such party has not had sufficient opportunity to discover affirmative evidence necessary to oppose the motion. See Garrett v. San Francisco, 818 F.2d 1515, 1518 (9th Cir. 1987). Rule 56(d) provides that a court may deny a summary judgment motion and permit the opposing party to conduct discovery where it appears that the opposing party, in the absence of such discovery, is unable to present facts essential to opposing the motion. Fed. R. Civ. P. 56(d). The facts sought must be essential to the party's opposition to summary judgment and it must be likely that those facts will be discovered during further discovery. Sec. & Exch. Comm'n v. Stein, 906 F.3d 823 (9th Cir. 2018).

Discovery opened on May 10, 2024. At the time of the Response, discovery had been open for less than two weeks. Indeed, the Parties agree that no discovery had yet occurred. Further, in

1 Reply, Plaintiff stated they did not oppose some discovery. Discovery closed on September 23,
2 2024. Defendants identify approximately twenty categories of potentially important discovery
3 regarding the origin, status, and accounting of the relevant payments under the agreement at issue
4 in this case. Given the dearth of discovery at the time of the Response, the Court finds that deferring
5 summary judgment until the conclusion of discovery is appropriate.

6 For the foregoing reasons, **IT IS ORDERED** that Plaintiff Alliance Funding Group's
7 Motion for Summary Judgement (ECF No. 19) is **DENIED without prejudice**. Dispositive
8 motions are due on or before **April 4, 2025**, with responses due **April 18** and replies due **May 2**.
9 If no dispositive motions are filed, the Parties are instructed to file a Joint Pretrial Order by **May**
10 **9, 2025**.

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12 **DATED:** March 25, 2025.

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15 **RICHARD F. BOULWARE, II**
16 **UNITED STATES DISTRICT JUDGE**
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